UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/813,788	TODOROVA ET AL.
	Examiner	**Art Unit**	
	Henry Orr	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 May 2008</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-10 and 21-40</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-10 and 21-40</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/27/2008, 5/28/2008 and 7/3/2008</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/27/2008 has been entered.

DETAILED ACTION

1.   This action is responsive to applicant's amendment dated 5/27/2008.

2.   Claims 1-10 and 21-40 are pending in the case.

3.   Claims 11-20 are cancelled.

4.   Claims 1, 21 and 27 are independent claims.

Applicant's Response

5.   In Applicant's response dated 5/27/2008, applicant has amended the following:

a) Claims 1-10, 21-32 and 34-40

Information Disclosure Statement

6.   The information disclosure statement (IDS) submitted on 5/27/2008, 5/28/2008 and 7/3/2008 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statements.

Claim Rejections - 35 USC § 101

7.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8.   **Claims 21-26 and 33-40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims raises a question as to whether the claims are directed merely to abstract ideas that are not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. See MPEP § 2106**

Claim 21:

       Claim 21 recites a **"system"**, and the **"means for"** language is interpreted to include the graphical user interface from the specification. The recited **"graphical user interface"** is merely computer software that performs various functions. Thus, the recited **"system"** is comprised merely of computer software and is not a process, a machine, a manufacture or a composition of matter.

       Accordingly, the claim fails to recite statutory subject matter as defined in 35 U.S.C. § 101.

Claims 22-26 and 33-40:

Dependent claims 22-26 and 33-40 are rejected for fully incorporating the

deficiencies of base claim 21.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

10.   **Claims 1-9, 21-31 and 33-38 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Sylor et al. (hereinafter "Sylor") U.S. Publication Application

No. 2002/0186238 A1 in view of Melillo, U.S. Publication No. 2004/0003122 A1.

Claim 1:

Sylor teaches **a computer-implemented method employed within a network**

comprising: displaying a hierarchical tree structure having a plurality of

selectable tree nodes in a graphical user interface, each of the plurality of tree

nodes representing a resource of an application server; (see abstract, par. 51, the

nodes of the interactive hierarchical display represent network resources that can be

monitored)

wherein at least one of the tree nodes is a monitor service node, the

monitor service node representing a monitor service of the application server;

(see par. 51, par. 63 – resources may represent services) **receiving a first indication**

that the monitor service node is selected; and in response to receiving the first

indication, displaying a hierarchical monitor tree in the graphical user interface

(see par. 18, par. 104, par. 146 -mouse-over or click on resource nodes to show a

hierarchical tree of resource profiles)**, the displayed hierarchical monitor tree having**

a plurality of selectable hierarchical monitor tree nodes (see par. 19, par. 146,

Figure 9B – the child resource profiles nodes of the hierarchical tree of resource profiles

are selectable)

Sylor fails to expressly teach a managed bean.

However, Melillo teaches *"the Mbean wraps the non-Mbean making possible its*

management in the JMX architecture" (see abstract). **(claim 1; i.e., wherein each of**

the plurality of hierarchical monitor tree nodes corresponds to a resource

associated with a monitor managed bean)

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to create the non-complaint Mbean application resource as taught

by Sylor into a managed bean with the Mbean wrapper and to use the JMX adapter as

taught by Melillo to enable the display window as taught by Sylor to display the

converted managed bean in a JMX architecture to provide the benefit of managing

objects representing different types of resources. (see Sylor; par. 51, par. 63) (see

Melillo; par. 2, par. 106-107)

Claim 2:

Sylor teaches **wherein each selectable displayed hierarchical monitor tree
node includes a status indicator to provide a graphical illustration of a current
status of a monitored resource.** (see par. 20, par. 136 – visual trait illustrating the
severity of the status associated with the selectable resource profile)

Claim 3:

Sylor teaches **receiving a second indication that one of the plurality of
hierarchical monitor tree nodes is selected; and configuring the selected
hierarchical monitor tree node with the graphical user interface.** (see par. 17, par.
185 – configuring the propagation rule of the selected hierarchical resource profile)

Claim 4:

Sylor teaches **setting a monitoring period for the selected hierarchical
monitor tree node.** (see par. 17, par. 173)

Claim 5:

Sylor teaches **configuring the selected hierarchical monitor tree node to
provide an alarm if a resource corresponding to the selected hierarchical monitor
tree node malfunctions.** (see par. 95-97)

Claim 6:

Sylor teaches **configuring the selected hierarchical monitor tree node to poll monitor data from a resource corresponding to the selected hierarchical monitor tree node.** (see par. 173-175)

Claim 7:

Sylor teaches **configuring the selected hierarchical monitor tree node to push monitor data from a resource corresponding to the selected hierarchical monitor tree node to the selected hierarchical monitor tree node.** (see par. 206)

Claim 8:

Sylor teaches **setting a threshold value for the selected hierarchical monitor tree node, wherein the selected hierarchical monitor tree node is to provide a third indication if the threshold value is detected.** (see par. 68-69)

Claim 9:

Sylor teaches **receiving a fourth indication that one of the plurality of hierarchical monitor tree node is selected; displaying a history of monitor data collected by the selected hierarchical monitor tree node.** (see par. 141-144)

Claims 21 and 33:

Claims 21 and 33 are directed towards system claims and are substantially encompassed in method claim 1; therefore the system claims are rejected under the same rationale as method claim 1 above.

In respect to the graphical user interface, cursor control device and the Java Management extensions (JMX) of system claims 21 and 33, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the display window and mouse device as taught by Sylor and the Java Management extensions (JMX) based architecture as taught by Melillo to perform the limitations of system claims 21 and 33 as further explained in the rationale of method claim 1 above.

Claim 22:

Claim 22 is directed towards a system claim and is substantially encompassed in method claim 3; therefore the system claim is rejected under the same rationale as method claim 3 above.

Claim 23:

Claim 23 is directed towards a system claim and is substantially encompassed in method claim 4; therefore the system claim is rejected under the same rationale as method claim 4 above.

Claim 24:

Claim 24 is directed towards a system claim and is substantially encompassed in method claim 5; therefore the system claim is rejected under the same rationale as method claim 5 above.

Claim 25:

Claim 25 is directed towards a system claim and is substantially encompassed in method claim 6; therefore the system claim is rejected under the same rationale as method claim 6 above.

Claim 26:

Claim 26 is directed towards a system claim and is substantially encompassed in method claim 8; therefore the system claim is rejected under the same rationale as method claim 8 above.

Claims 27-31:

Claims 27, 28, 29, 30 and 31 are directed towards manufacture claims and are substantially encompassed in method claims 1, 3, 4, 5, and 9 respectively; therefore the manufacture claims are rejected under the same rationale as method claims 1, 3, 4, 5 and 9 above.

Claim 34:

Claim 34 is directed towards a system claim and is substantially encompassed in

method claim 3; therefore the system claim is rejected under the same rationale as

method claim 3 above.

Claim 35:

Sylor teaches **wherein displaying information related to the plurality of**

hierarchical monitor tree nodes includes displaying at least one of a name of the

selected hierarchical monitor tree node, a description of the selected hierarchical

monitor tree node, a monitor type for the selected hierarchical monitor tree node,

and monitor data. (see par. 64-65)

Claim 36:

Sylor teaches **wherein the window pane further comprises: a selectable**

configuration command; wherein the system further comprises a means for

displaying one or more selectable monitor tree node configuration options in

response to a selection of the configuration command. (see Figure 6B)

Claim 37:

Sylor teaches **wherein the one or more hierarchical monitor tree node**

configuration options include at least one of a monitoring period field to receive a

value specifying a monitoring period, a resource malfunction response indicator

to specify a response of the selected hierarchical monitor tree node, if a resource

malfunctions, a data collection indicator to indicate whether monitor data is to be

pushed from the resource, and a threshold value field to receive a threshold value

for specifying a threshold of the resource. (see par. 17, par. 68-69, par. 95-97, par.

173, par. 206)

Claim 38:

Sylor teaches **a data history command; and wherein the system further**

comprising a means for displaying in response to a selection of the monitor data

history command, a monitor data history pop-up window to provide a history of

monitor data collected by the selected hierarchical monitor tree node. (see Sylor;

par. 141-144)

11.   **Claims 10, 32, 39 and 40 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Sylor, in view of Melillo as cited above, in further view of Kekic

et al. (hereinafter "Kekic"), U.S. Patent No. 6,664,978 B1.

Claim 10:

Neither Sylor nor Melillo expressly teach displaying a table of monitor data.

However, Kekic teaches *"Column: Date & Time and Description: Day and Time*

when the alarm occurred" (see col. 48 Table 7). **(claim 10; i.e., displaying a table of**

monitor data, the displayed table including a time column to display a time when

an item of monitor data is collected and one or more columns of monitor data.)

Examiner interprets the table shown in Kekic's Figure 31 to have a time column and additional columns of monitor data.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to create the non-complaint Mbean application resource as taught by Sylor into a managed bean with the Mbean wrapper and to use the JMX adapter as taught by Melillo to enable the display window as taught by Sylor to display the alarm history log the includes a time column as taught by Kekic to provide the benefit of viewing the detailed history of the triggered alarm. Thus, displaying a time column in the history of the alarm log in a graphical interface such as the management console would dramatically reduce the time and complexity of managing a computer network due to the accuracy of the history log. (see Sylor; par. 141-144) (see Melillo; par. 2, par. 18, par. 106-107) (see Kekic; Figure 31, col. 48 Table 7).

Claim 32:

Claim 32 includes a program embodied on a computer readable medium to implement the steps that are substantially encompassed in method claim 10; therefore the claim is rejected under the same rationale as method claim 10 above.

Claims 39 and 40:

Claims 39 and 40 are directed towards system claims and are substantially encompassed in method claim 10; therefore the system claims are rejected under the same rationale as method claim 10 above. In respect to the monitor data history pop-up

window providing a table as recited system claims 39 and 40, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to use the

table illustrated in Kekic's Figure 31 to perform the limitations of system claims 39 and

40 as further explained in the rationale of method claim 10 above.

Response to Arguments

12.   Applicant's arguments with respect to claims 1-10 and 21-40 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Henry Orr whose telephone number is (571) 270 1308.

The examiner can normally be reached on Monday thru Friday 8 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

7/29/2008
HO

/Rachna S Desai/
Primary Examiner, Art Unit 2176